

**ENTERED**

January 04, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

DOMINGO MIRANDA, §  
§  
Plaintiff, §  
§  
v. § CIVIL ACTION NO. 2:21-CV-00271  
§  
BOBBY LUMPKIN, *et al.*, §  
§  
Defendants. §

**ORDER ADOPTING MEMORANDUM & RECOMMENDATION**

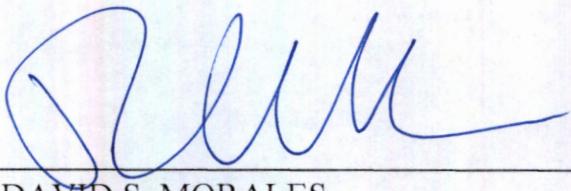
Before the Court is Magistrate Judge Jason Libby's Memorandum and Recommendation ("M&R"). (D.E. 39). The M&R recommends that the Court deny Plaintiff's Declaration for Entry of Default, (D.E. 37), which the M&R construes "as a motion for entry of default judgment." (D.E. 39, p. 1).

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Badaiki v. Schlumberger Holdings Corp.*, 512 F. Supp. 3d 741, 743–44 (S.D. Tex. 2021) (Eskridge, J.).

Having reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 1 / 2

39). Accordingly, the Court **DENIES** Plaintiff's Declaration for Entry of Default. (D.E. 37).

SO ORDERED.



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DAVID S. MORALES  
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas  
January 4, 2023